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Remarks

Applicants respectfully request reconsideration of the present case in view of the above amendments and the following remarks.

Claims 2-4, 13-14, and 16 have been canceled. Claim 23 has been added. Claims 1, 5-12, 15, 17-21, and 23 are currently pending. Claims 17-21 have been withdrawn from consideration. Claims 1, 5, 8, 10, and 15 have been amended. No new matter has been inserted. Support for the amendment of claim 1 can be found in claims 2-4. Claims 5, 8, and 10 were simply amended for clarification. Support for the amendment of claim 15 can be found in claim 16. Support for new claim 23 can be found in the specification at least at page 5, lines 22-23.

35 U.S.C. § 102(b)

Claims 1-3, 10, 11 and 15 were rejected under 35 U.S.C. 102(b) as being anticipated by British Patent 1,598,843, previously cited. Applicants respectfully traverse this rejection.

While not conceding the correctness of Examiner's rejection, claim 1 has been amended to include the limitations of claim 4. As claim 4 was not subject to this rejection, this rejection has been obviated as applied to claim 1. Claims 2-3 have been canceled. Claims 10 and 11 are dependent on claim 1.

Also, claim 15 has been amended to include the limitations of claim 16. As claim 16 was not subject to this rejection, this rejection has been obviated as applied to claim 15.

For at least these reasons, Applicants assert that claims 1, 10, 11, and 15 are not anticipated by British Patent 1,598,843. Applicants respectfully request that this rejection be withdrawn.

Claims 1-3, 10 and 15 were rejected under 35 U.S.C. 102(b) as anticipated by Mochizuki, US 4,753,489, newly cited. Applicants respectfully traverse this rejection.

While not conceding the correctness of Examiner's rejection, claim 1 has been amended to include the limitations of claim 4. As claim 4 was not subject to this rejection, this rejection has been obviated as applied to claim 1. Claims 2-3 have been canceled. Claim 10 is dependent on claim 1.

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Also, claim 15 has been amended to include the limitations of claim 16. As claim 16 was not subject to this rejection, this rejection has been obviated as applied to claim 15.

For at least these reasons, Applicants assert that claims 1, 10, 11, and 15 are not anticipated by Mochizuki. Applicants respectfully request that this rejection be withdrawn.

35 U.S.C. § 103(a)

Claim 12 was rejected under 35 U.S.C. 103(a) as being unpatentable over British Patent 1,598,843 and Schneider et al., US 3,083,876, previously cited. Applicants respectfully traverse this rejection.

Claim 1 requires "additional material, the additional material being attached to the bag adjacent to the handle, thereby increasing the strength of the bag adjacent to the handle". Applicants assert that this feature is not disclosed or suggested by the combination of British Patent 1,598,843 and Schneider. Therefore, claim 1 is not suggested by British Patent 1,598,843 and Schneider. As claim 12 is dependent on claim 1, it is also not suggested. Applicants respectfully request that this rejection be withdrawn.

Claims 4-7 and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mochizuki and Onishi, Japanese Patent 0023955, previously cited. Applicants respectfully traverse this rejection.

The Examiner alleges that "Onishi discloses that it is known to provide additional material and a ring to an analogous handling hole." However, Applicants point out that the handle 13 shown by Onishi does not provide additional material. Nor is there any indication that the handle 13 of Onishi has increased strength as a result of additional material. Therefore, Onishi fails to teach or suggest "additional material, the additional material being attached to the bag adjacent to the handle, thereby increasing the strength of the bag adjacent to the handle" as required by claim 1. As the Examiner concedes that Mochizuki also lacks this feature, the combination of Mochizuki and Onishi fails to teach or suggest the invention of claim 1.

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Moreover, Applicants assert there is no motivation to combine Mochizuki and Onishi. Applicants point out that "the prior art must suggest the desirability of the claimed invention." See MPEP § 2143.01. Also, the teaching or suggestion to make the claimed combination must be found in the prior art, not in applicants' disclosure. See MPEP § 2143; *In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991). Applicants assert that neither Mochizuki nor Onishi suggest the desirability of "additional material, the additional material being attached to the bag adjacent to the handle, thereby increasing the strength of the bag adjacent to the handle" as required by claim 1. Therefore, there is no motivation to combine Mochizuki and Onishi. For at least these reasons, applicants respectfully request that this rejection be withdrawn.

Claims 1-3, 8-10, 13 and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mykol, US 1,897,438, previously cited, and British Patent 1,598,843. Applicants respectfully traverse this rejection.

While not conceding the correctness of Examiner's rejection, claim 1 has been amended to include the limitations of claim 4. As claim 4 was not subject to this rejection, this rejection has been obviated as applied to claim 1. Claims 2-3 and 13-14 have been canceled. Claims 8-10 are dependent on claim 1. Accordingly, Applicants assert that claims 1 and 8-10 are not suggested by the combination of Mykol and British Patent 1,598,843. Applicants respectfully request that this rejection be withdrawn.

Claims 1, 13 and 14 were rejected under 103 U.S.C. 103(a) as being unpatentable over Burbridge, US 421,160, previously cited, and British Patent 1,598,843. Applicants respectfully traverse this rejection.

While not conceding the correctness of Examiner's rejection, claim 1 has been amended to include the limitations of claim 4. As claim 4 was not subject to this rejection, this rejection has been obviated as applied to claim 1. Claims 13-14 have been canceled. Accordingly, Applicants assert that claim 1 is not suggested by the combination of Burbridge and British Patent 1,598,843. Applicants respectfully request that this rejection be withdrawn.


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Summary

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

5/25/05  
Date

  
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